

OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES
Audits Office
P.O. BOX 932328 MS H-230
SACRAMENTO, CA 94232-3280



June 30, 2009

Connie Brunn, Director
Department of Child Support Services
San Bernardino County
10417 Mountain View Avenue
San Bernardino, CA 92354

File: C-90-9096

Dear Ms. Brunn,

The California Department of Motor Vehicles' (DMV) Audits Office audit of the Department of Child Support Services (DCSS San Bernardino) Government Requester Accounts is complete. The audit was based on the *Memorandum of Understanding (MOU) DMV via Health and Human Services Agency Data Center (HHSDC)*, and applicable statutes and regulations stated in the California Vehicle Code and the California Code of Regulations.

We conducted the audit in accordance with *Government Auditing Standards* promulgated by the United States General Accountability Office. In general, the objectives were to determine if DCSS San Bernardino:

- Internal controls are adequate to safeguard information obtained from DMV;
- Complies with the provisions of the MOU HHSDC and applicable DMV agreements; and
- Adheres to applicable rules and regulations governing the processing, storage and transmission of DMV information.

During the audit we identified one item that warrants corrective action. Your management team informed our Auditor of a breach that was still under investigation; over the course of the audit the breach was confirmed. The detailed finding is discussed in the attached report in the *Finding and Recommendation* Section; however, it is summarized as follows:

- Unauthorized Access

Connie Brunn, Director

June 30, 2009

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DMV Information Services Branch (ISB), who has jurisdiction over government requester accounts and the California State Department of Child Support Services, will receive copies of the attached report.

We would like to thank DCSS' staff for their cooperation and the courtesy extended to our auditors. If you have any questions about this audit, please contact Laura Lundgren at (916) 657-6055.

Sincerely,



GRACE M. RULE-ALI, Manager
Information Systems-Requester Audit Section
Audits Office

Attachment

cc: Joan Obert, Director, State DCSS
Marci Jensen – Eldred, Deputy Director
Jeanne Benuzzi, DMV Acting Chief, ISB
Tam Le, DMV Manager, ISB Policy & Information Privacy Section

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
EXECUTIVE AUDITS
DEPARTMENT OF CHILD SUPPORT SERVICES
SAN BERNARDINO – LOMA LINDA OFFICE
AUDIT REPORT
C-90-9096**

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EXECUTIVE SUMMARY

The California Department of Motor Vehicles (DMV) Information Services Branch (ISB) operates an information requester program that allows external entities to access DMV records pursuant to applicable statutes of the California Vehicle Code (CVC) and California Code of Regulations Title 13, Article 5 except as prohibited by CVC Section 1808.21. As an authorized DMV Government Requester Account holder the Department of Child Support Services (DCSS San Bernardino), has access to basic record and address information on California Driver License, Vehicle Registration, Occupational License, and Financial Responsibility. In accordance with its DMV Government Requester Account agreement, DCSS is allowed to make California DMV inquiries for its business needs.

The CVC mandates that DMV protect the privacy rights of the public by releasing only certain information authorized by statutes. Statutes and regulations allow for businesses and individuals to access DMV records containing both confidential and non-confidential information, contingent upon approval of an application and compliance with the program requirements. DMV is dedicated in its mission of securing personal information for consumer protection. To meet our obligation of protecting the public and DMV information, we reviewed DCSS' compliance with the DMV Government Requester Account stipulations, and applicable California laws and regulations.

Our evaluation found that DCSS San Bernardino is a member of the Computer Enforcement Systems (CASES) Consortium. The CASES Consortium consists of 54 DCSS county member agencies authorized since July 2002 for on-line access to DMV records. While the California DCSS oversees the county member agencies in the process, CASES Consortium will be disbanded effective June 30, 2009. This will require county agencies, who wish to do so, to obtain a new method for on-line access, rely on the existing overnight batch processing to receive DMV information.

BACKGROUND

In June 2002 statutory changes reshaped the California child support program. The local county child support agencies (LCSA's) were no longer considered law enforcement agencies and had to change the access methods to obtain data from DMV.

Formerly, LCSA's requested access to DMV's databases via CLETS. Effective July 1, 2002, due to the June statutory changes, DMV granted approval to allow the CASES electronic access to data from its files via the existing Health and Human Services Data Center. The Consortium consisted of 54 LCSAs. The users accessed a separate mainframe session from their desktop computers to gain access to DMV's database. DMV's approval was granted with the condition that the appropriate access, logging and auditing controls are in place. The requester codes have the following access to DMV information:

- Driver License – to help determine physical descriptions, addresses and age of subjects suspected of welfare fraud.
- Vehicle Registration – to help verify vehicles owned, and to verify place of residence of those suspected of welfare fraud.
- Financial Responsibility – to help determine how much money a suspect is spending per month to live.
- Occupational License – to help verify whether or not a suspected client is employed and where he/she may be working.

DCSS uses their requester codes to access California Driver License information to locate absent parents in order to secure Child Support for the child. DCSS' San Bernardino Office makes their requests using CASES.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of the review were to determine if DCSS San Bernardino:

- Internal controls are adequate to safeguard information obtained from DMV
- Complies with the provisions of the MOU
- Adheres to applicable rules and regulations governing the processing, storage, and transmission of DMV information

The audit was performed in accordance with *Government Auditing Standards*, Generally Accepted Auditing Standards, the California Department of Motor Vehicles' Government Requester Account Requirements and applicable California laws and regulations.

Our evaluation methodology included such tests as considered necessary to meet our objectives. Interviews were conducted with DCSS San Bernardino management, physical observation of the DCSS San Bernardino facility made to determine the levels of security, and confidentiality over DMV information.

We conducted the audit fieldwork at the DCSS office in San Bernardino County, California May 12, 2009. Our audit included an examination of the administrative security procedures, and the monitoring of programs that are in place to protect DMV information.

FINDING AND RECOMMENDATION

FINDING : Unauthorized Use

Condition: During the course of the fieldwork, the Auditee informed the DMV Auditor of a breach involving an employee pending investigation for an unauthorized information request. The Deputy Director called on May 26th, 2009, to inform the DMV Auditor that the breach was confirmed and it involved an employee who used the system to obtain information from her son's driving record.

California Vehicle Code Section 1808.46 states in part:

"No person or agent shall directly or indirectly obtain information from the department files using false representations or distribute restricted or confidential information to any person or use the information for a reason not authorized or specified in a requester code application . . ."

Criteria: California Vehicle Code Section 1810.2(e) states:

"A requester code may be denied to any person unless the proposed use of the information from the department records is related to legitimate business or commercial purposes of that person. A requester code may be canceled immediately if the requested information is used for a purpose other than the purpose for which the requester code was issued."

Commercial Requester Information Handbook, Terms and Conditions, Section A, Paragraph 5 states:

"Requester and its designees shall use DMV information for purpose(s) for which it requests an account and is approved by the DMV. Any other use(s) is strictly prohibited and will subject the Requester and its designees to termination of account as well as civil and criminal penalties."

Commercial Requester Information Handbook, Chapter I, Part III, Section A, Paragraph 5 states:

"Requester shall not obtain or use any confidential or restricted information for any purpose other than the purpose approved by the DMV."

Recommendation: DCSS San Bernardino Office needs to ensure that all security precautions to deter DMV information from being compromised should be taken. Special attention should be directed on all inquiries, and information received from the DMV should be used only for the approved purpose.

Response: "... as of July 1, 2009 San Bernardino County Child Support does not have access to DMV's data either through the CASES Consortium or through direct access....In the event that we do receive access to DMV data again in the future, the department will...have employees sign DMV Security Statements and will re-train staff on confidentiality of systems and systems data...The Department's policy is and will continue to be to investigate any suspected breaches and take all appropriate disciplinary actions if mis-use is found."

DMV's Audit Evaluation: We concur with DCSS San Bernardino's corrective action plan.

CONCLUSION

DCSS San Bernardino Office operates a system and program that permits its authorized end users access to DMV information, and provides assurance that access to the information is appropriately controlled and monitored in accordance with the requirements of its Government Requester Accounts. Accordingly, the mechanisms and controls in place to protect information received from DMV taken as a whole are sufficient and functioning properly to fulfill the program objectives. Due to inherent limitations in control systems, errors or irregularities may occur and not be detected. Consequently, projection of any evaluation of systems to future periods is subject to risk since procedures may become inadequate because of changes, or the degree of compliance with procedures may deteriorate.



GRACE M. RULE-ALI, MANAGER
Information Systems-Requester Audit Section
Audits Office
(916) 657-5828

June 30, 2009

Review Team:
Carolyn Manuel, Auditor In-Charge, Auditor
Benedicta Ikhlo, Auditor
Andrew Lau, Auditor

EXHIBIT 1

COUNTY OF SAN BERNARDINO
DEPARTMENT OF CHILD SUPPORT SERVICES
CONNIE BRUNN, DIRECTOR



July 1, 2009

Department of Motor Vehicles
Audits Office
Attn: Grace Rule-Ali, Audit Manager
2570 24th Street, M/S H121
Sacramento, CA 95818

Dear Ms. Rule-Ali,

As a result of a 'finding' in our recent DMV Audit, San Bernardino County Child Support Services has been asked to set forth measures that are being taken to prevent against mis-use of the DMV system by the department's employees. The Department did have an employee who accessed the DMV system for purposes unrelated to her employment. We will take preventive measures as outlined below to help prevent future mis-use.

It should be noted that as of July 1, 2009 San Bernardino County Child Support does not have access to DMV's data either through the CASES Consortium or through direct access. We are in the process of re-applying for direct access to the DMV system, but have not yet been formally approved.

In the event that we do receive access to DMV data again in the future, the department will take steps to mitigate any system mis-use. The Department will continue to have employees sign DMV Security Statements and will re-train staff on confidentiality of systems and systems data. In addition the department will continue to do regular internal audits to monitor appropriate usage of the DMV system. The Department's policy is and will continue to be to investigate any suspected breaches and take all appropriate disciplinary actions if mis-use is found.

The Department's corrective actions will center on overall awareness to staff who are using the systems of the importance of keeping the data in which they have access secure and to educate staff as to the repercussions if they are found to have violated policy.

Should you have additional questions you may contact me at (909) 478-6976.

Sincerely,

Marci A. Jensen-Eldred
Deputy Director
San Bernardino County Child Support Services

OFFICES

10417 Mountain View Avenue • Joma Linda CA 92354
13400 Civic Drive • Victorville CA 92392
10565 Civic Center Drive Suite 250 • Rancho Cucamonga CA 91730
Contact Phone Number (866) 901-3212
email: childsupport@css.co.san-bernardino.ca.us